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Attorneys for Defendants

COUNTY OF SACRAMENTO, JIM SPURGEON and MICHAEL DANIELS

*Exempt from Filing Fees Pursuant to Government Code § 6103*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CHARLES HOUFF, individually, and as a  
successor-in-interest to Decedent AMELIAN  
HOUFF; OLIVIA EDWARDS, individually,  
and as successor-in-interest to Decedent  
AMELIAN HOUFF,

Plaintiff,

v.

CITY OF SACRAMENTO, a municipal  
corporation; CITY OF SACRAMENTO  
police officer MITCHELL BARRETT, in his  
individual and official capacities as an  
officer for the CITY OF SACRAMENTO;  
CITY OF SACRAMENTO police sergeant  
MICHAEL FRAZER, in his individual and  
official capacities as an officer for the CITY  
OF SACRAMENTO; CITY OF  
SACRAMENTO police Lieutenant BRIAN  
ELLIS, in his individual and official  
capacities as an officer for the CITY OF  
SACRAMENTO; COUNTY OF  
SACRAMENTO, a municipal corporation;  
COUNTY OF SACRAMENTO Sheriff's  
Sergeant JIM SPURGEON, in his individual  
and official capacities as a deputy for the

CASE NO. 2:22-CV-01150-MCE-JDP

**STIPULATION AND ORDER**

Complaint Filed: 7/1/2022

{02775271.DOCX}

COUNTY OF SACRAMENTO; COUNTY OF SACRAMENTO Sheriff's Lieutenant MICHAEL DANIELS, in his individual and official capacities as a deputy for the COUNTY OF SACRAMENTO; and DOES 1-50, inclusive, individually, jointly, and severally,

Defendants.

Plaintiffs CHARLES HOUFF and OLIVIA EDWARDS ("Plaintiffs") and Defendants COUNTY OF SACRAMENTO, JIM SPURGEON, MICHAEL DANIELS, CITY OF SACRAMENTO, MITCHELL BARRET, MICHAEL FRAZER and BRIAN ELLIS ("Defendants") (Plaintiffs and Defendants collectively referred to as the "parties"), by and through their respective counsels of record, hereby stipulate as follows:

1. Defendant County of Sacramento has attempted to take the deposition of Andrew Keegans on two separate occasions. Keegans' deposition was noticed for April 5, 2024. At the deposition, a concern for Keegans' rights under the Fifth Amendment to the United States Constitution was raised and Keegans requested legal representation for the deposition. The parties agreed to suspend the deposition so Keegans could retain counsel and/or discuss the Fifth Amendment issue with counsel. After affording Keegans time to explore legal representation, counsel for the County of Sacramento spoke with Keegans and confirmed a date and time for his continued deposition. Keegans' deposition was re-noticed for May 17, 2024. Keegans did not appear for his deposition.
2. The underlying incident for the present lawsuit occurred on August 29, 2021, and involves a burglary of a cannabis store. The statute of limitations under California law for felony offenses is three years. (California Penal Code § 801.) The statute of limitations under California law for misdemeanor offenses is one year. (California Penal Code § 802.) The statute of limitations for any misdemeanor offenses arising out of the subject incident has passed, however, the statute of limitations for any felony charges will expire on August 29, 2024.

- 1 3. The current deadline to complete discovery is June 10, 2024. The parties have met and  
2 conferred and agree there is good cause to allow Keegans' deposition to occur within a  
3 reasonable time after August 29, 2024, even though it is after the close of discovery. The  
4 parties further agree that any discovery motions related thereto may be brought even though  
5 they are after the close of discovery.  
6 4. All other deadlines shall remain unchanged.

7  
8 **IT IS SO STIPULATED.**

9 Dated: June 10, 2024

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A PROFESSIONAL CORPORATION

11 By: /s/ Megan N. Boelter  
12 Carl L. Fessenden  
13 William E. Camy  
14 Megan N. Boelter  
15 Attorneys for Defendants COUNTY OF  
16 SACRAMENTO, MICHAEL DANIELS and  
JIM SPURGEON

17 Date: May 31, 2024

LAW OFFICE OF JOHN L. BURRIS

19 By: /s/ Benjamin Nisenbaum  
20 John Burris  
21 Benjamin Nisenbaum  
22 James Cook  
Attorneys for Plaintiff CHARLES HOUFF

23 Date: May 31, 2024

BRYANT LAW GROUP

24 By: /s/ Ian Kelley  
25 Ian Kelley  
26 Paul Alaga  
27 Attorneys for Plaintiff OLIVIA EDWARDS  
28

1 Date: May 31, 2024

DEAN GAZZO ROISTACHER LLP

2 By: /s/ Lee Roistacher

3 Mitchell Dean

4 Lee Roistacher

5 Aleries Lau

Attorneys for Defendant BRIAN ELLIS

6 Date: May 31, 2024

CITY OF SACRAMENTO

7 By: /s/ Kate D. L. Brosseau

8 Sean D. Richmond

9 Kate D. L. Brosseau

10 Attorney for Defendant CITY OF SACRAMENTO,  
11 MITCHELL BARRET and MICHAEL FRAZER  
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**ORDER**

The Court, having reviewed and considered the Parties' foregoing Stipulation, and finding good cause, hereby Orders as follows:

1. The deposition of Andrew Keegans must occur not later than October 1, 2024. Any discovery motions related thereto may also be brought at that time.
2. All other deadlines shall remain unchanged.

IT IS SO ORDERED.

Dated: June 12, 2024

  
MORRISON C. ENGLAND, JR.  
SENIOR UNITED STATES DISTRICT JUDGE